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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,014	12/10/1999	JACQUES DUMAS	BAYER11-C1	8328

23599 7590 02/07/2007  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD.  
SUITE 1400  
ARLINGTON, VA 22201

EXAMINER
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CHONG, YONG SOO

ART UNIT	PAPER NUMBER
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1617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/458014

EXAMINER

ART UNIT

PAPER

20070125

DATE MAILED:

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**Commissioner for Patents**

The reply filed on 12/11/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has elected Group V which is directed to methods utilizing 1,3-oxazoles filed on 9/26/2005. However, applicant made a species election filed on 9/13/2006 directed to a 1,2-oxazole, which has been restricted out. Examiner notes that the Applicant made an election on 9/26/2005 and subsequently an action was filed on 11/30/2005, therefore according to MPEP 819, the Applicant cannot shift to another invention.

In the reply filed 12/11/2006, Applicant also attempted to comply with the species requirement directed to 1,3-oxazoles by electing the subspecies of claim 38. Examiner notes that this particular election is a subgenus and not a species election because both R1 and B are not defined.

Applicant must elect a species (a single defined compound) within the scope of the elected Group V, directed to 1,3-oxazoles.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**SREENI PADMANABHAN**  
SUPERVISORY PATENT EXAMINER

Yong S. Chong